

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ISAAH J. KENNEDY,

Plaintiff,

V.

NAVY FEDERAL CREDIT UNION,
CREDENCE RESOURCE
MANAGEMENT, DEPARTMENT OF
EDUCATION, T MOBILE, AMSHER
COLLECTION SERVICES,
SANTANDER CONSUMER USA,

Defendants.

[Decorative flourish]

CIVIL ACTION NO. SA-23-CV-00470-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate (docket no. 113), filed on June 7, 2024, concerning the failure of Plaintiff to serve Defendant the Department of Education. No objections have been filed to date.¹


Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

1Any party who desires to object to a Magistrate's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing ." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." *Id.* at (E).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 113) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that, in light of Plaintiff's failure to serve the Department of Education under Federal Rule of Civil Procedure 4(i), the Department of Education is DISMISSED pursuant to Federal Rule of Civil Procedure 4(m). This case remains referred to the Magistrate Judge for further pretrial proceedings.

It is so ORDERED.

SIGNED this 2nd day of July, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE